

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

CLARE LOCKE LLP,

Petitioner,

v.

KYTCH, INC.,

Respondent.

Civil Action No. 1:24-cv-00545

**MOTION TO REMOVE RETRACTED EXHIBIT**

1. Petitioner Clare Locke LLP files this Motion To Remove Retracted Exhibit to remove from the docket one of the exhibits previously filed by Respondent Kytch, Inc. in this proceeding, Dkt. 10-1, that has been retracted as inaccurate by Kytch in a related matter pending in the United States District Court for the Northern District of California. Undersigned counsel has conferred with counsel for Kytch, Matthew Nowak of Nowak & Stauch, PLLC in Dallas, Texas, who has represented that Kytch takes no position on this motion.<sup>1</sup>

2. On May 8, 2025, Kytch filed a Notice of Correction of Prior Filing on the docket in *Kytch, Inc. v. McDonald's Corp.*, No. 3:23-cv-01998-TSH, Dkt. 87, in the United States District Court for the Northern District of California (“California Notice of Correction”). In the California Notice of Correction, Kytch advised the Court that it had retracted inaccurate allegations in its letter terminating its attorney-client relationship with its former counsel, Clare Locke LLP (“Termination Notice”), which Kytch had previously referenced (but not filed) in that action.

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<sup>1</sup> Mr. Nowak advised that Kytch is no longer represented by its former lawyer in this matter, Daniel Watkins.

3. Specifically, Kytch informed the Court in the California Notice of Correction that it had “retracted the allegations in the Termination Notice as inaccurate, including the notion it had ‘cause’ to terminate Clare Locke.” California Notice of Correction at 1. In a declaration accompanying the California Notice of Correction, Kytch’s Chief Executive Officer, Jeremy O’Sullivan, explained that “the Termination Notice was initially drafted by Kytch’s former counsel, Daniel Watkins, and filed by Kytch in misplaced reliance upon Mr. Watkins’s advice.” *Id.* at 1-2. The California Notice of Correction and declaration further stated that Mr. O’Sullivan “was pleased with Clare Locke’s work,” that Kytch has paid what Mr. O’Sullivan believes is the “reasonable attorneys’ fees and costs that [Clare Locke] incurred for its work for Kytch,” and that “Kytch signed the Termination Notice based on information from Mr. Watkins that was not accurate.” *Id.* at 2. Kytch advised that it was filing “this Notice to correct the record pursuant to its duty of candor to this Court to explain the circumstances of its previous, inaccurate filing.” *Id.*

4. In this action, Kytch (through the same former counsel, Mr. Watkins) filed on the Court’s docket the inaccurate Termination Notice itself, along with a declaration from Kytch containing the same inaccurate allegations that Kytch has now retracted. *See* Dkt. 10-1. Clare Locke therefore seeks to remove Dkt. 10-1 to reflect the fact that Kytch’s prior allegations have been retracted. In support of its motion, Clare Locke attaches the March 6, 2025 declaration of Kytch’s Chief Executive Officer, Jeremy O’Sullivan, attached hereto as Exhibit A, in which Mr. O’Sullivan retracts the false allegations in the Termination Notice and provides a more detailed exposition of the facts supporting the retraction.

### **CONCLUSION**

5. Clare Locke respectfully requests that the Court remove the retracted exhibit at Dkt. 10-1 or, in the alternative, to note on the docket that Dkt. 10-1 has been retracted.

Dated: May 16, 2025

Respectfully submitted,

/s/ C. Bryan Wilson

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C. Bryan Wilson (Va. Bar No. 68803)

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